

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DELMAR HARDY,

Defendant,

Case No. 3:16-CR-6-MMD-VPC

JUDGE MIRANDA M. DU'S  
ORDER REGARDING TRIAL  
IN CRIMINAL CASES

1. Attached hereto is a list of cases that are presently scheduled for trial before the Honorable Miranda M. Du, United States District Judge, at Las Vegas and Reno, Nevada, commencing on **TUESDAY, the 15<sup>th</sup> day of AUGUST, 2017 at 9:00 a.m.** This is a FIRM trial date.

2. Counsel for all parties, and all pro se parties, shall appear in Courtroom 5 on **MONDAY, the 7<sup>th</sup> day of AUGUST, 2017 at 1:30 p.m.** for Calendar Call. Defendants will not be required to appear for Calendar Call unless a defendant is appearing pro se or unless the Court directs otherwise.

3. Counsel or pro se defendants will be excused from Calendar Call if, prior to the scheduled calendar call, a defendant's plea of guilty or nolo contendere has been accepted.

4. At the Calendar Call, all cases that remain to be tried will be ranked in order of trial. Thereafter, the Court will not grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS' NOTICE** from the Clerk.

5. CHANGE OF PLEA HEARINGS. It shall be the responsibility of counsel for the United States and for Defendant(s) to ensure that the original and two copies of the plea agreement be emailed to the Courtroom Administrator, PEGGIE VANNOZZI, (Peggie\_Vannozzi@nvd.uscourts.gov). Counsel will be contacted with a firm hearing date.

6. STATUS HEARINGS. The Court may conduct a status conference prior to the scheduled Calendar Call. Any party who wishes to request a pretrial status conference should notify the Courtroom Administrator no later than two (2) weeks before Calendar Call. If the Court is satisfied during the status conference that the case is ready for trial, the Court may vacate the Calendar Call.

7. WITNESSES. Counsel and pro se defendants shall immediately subpoena all witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses to contact the office of counsel for further instructions prior to appearing for trial. Witnesses are not required to be present at the Calendar Call, but must appear as subpoenaed. The government must file their witness list **five calendar days** before trial.

8. EXHIBITS. **Five (5) calendar days** before trial, the parties must electronically file their complete exhibit list of all exhibits that are intended to be used during the trial. At the same time, counsel shall serve upon opposing counsel a copy of the same. Plaintiffs shall use numerals 1 through 499 and defendants shall use

numerals 500 through 999. The exhibits are to be listed on a form provided by the Clerk's Office,<sup>1</sup> and may be computer-generated if they conform to the requirements of the form that is provided by the Clerk. Counsel shall retain possession of their exhibits until such time as they are identified in open court; thereafter, the exhibits shall remain in the custody of the clerk unless otherwise ordered. In any case which involves fifteen or more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a tab noting the number of each exhibit and each exhibit shall be pre-marked with an exhibit sticker. The binder shall be clearly marked on the front and side with the case caption and number and the sequence of exhibits. If oversized binders are used, the holes in the documents shall be large-sized so that the pages may be easily turned. **The Friday** before trial, counsel shall provide the Courtroom Administrator with the binder containing the exhibits and a courtesy set for the trial judge.

9. MARKING EXHIBITS. During preparations for trial, the parties shall meet, confer, pre-mark and exchange all trial exhibits. At least **the Friday** before trial, counsel shall notify Judge Du's Courtroom Administrator that the exhibits have been pre-marked.

10. EVIDENCE DISPLAY EQUIPMENT. Counsel wishing to utilize the Court's evidence display equipment must make contact with the Courtroom Administrator to determine its availability and to arrange for training. Counsel wishing to utilize their own display equipment must contact the Courtroom Administrator to arrange a time and date to set up the equipment prior to the trial.

11. JURY INSTRUCTIONS.<sup>2</sup> **Five (5) calendar days** before trial, the parties are to file with the Clerk's Office the original set of mutually acceptable jury instructions, a set of disputed instructions and the verdict forms. At the same time, the parties shall provide a copy of the same in MS Word format to chambers by email to the Courtroom

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<sup>1</sup> Available at [www.nvd.uscourts.gov/forms](http://www.nvd.uscourts.gov/forms)

<sup>2</sup> Judge Du's preliminary jury instructions are available at Judge Du's biography page on [www.nvd.uscourts.gov](http://www.nvd.uscourts.gov)

1 Administrator at [Peggie\\_Vannozzi@nvd.uscourts.gov](mailto:Peggie_Vannozzi@nvd.uscourts.gov). The set of disputed jury  
2 instructions must include the authority and argument for each instruction. Any  
3 modifications of instructions from statutory authority, the Ninth Circuit Manual of Model  
4 Jury Instructions, or any other model instructions, must specifically state the modification  
5 made to the original source and the authority and argument supporting the modification.

6 12. SUGGESTED VOIR DIRE QUESTIONS. **Five (5) calendar days** before  
7 trial, counsel or parties appearing pro se shall file with the Clerk of the Court all  
8 suggested voir dire questions to be asked of the jury panel by the Court. At the same  
9 time, the parties shall provide a copy of the same in MS Word format to chambers by  
10 email to the Courtroom Administrator at [Peggie\\_Vannozzi@nvd.uscourts.gov](mailto:Peggie_Vannozzi@nvd.uscourts.gov).

11 13. STATEMENT OF THE CASE. **Five (5) calendar days** before trial, counsel  
12 or parties appearing pro se shall file with the Clerk of the Court a brief statement of the  
13 case, no longer than one-half page, stating the nature of the claims and defenses, to be  
14 read to prospective jurors at the time of jury selection. At the same time, the parties  
15 shall provide a copy of the same in MS Word format to chambers by email to the  
16 Courtroom Administrator at [Peggie\\_Vannozzi@nvd.uscourts.gov](mailto:Peggie_Vannozzi@nvd.uscourts.gov). A copy of the  
17 Indictment, indicating which portions should be read to the jury, will satisfy this  
18 requirement.

19 14. GOVERNMENT'S TRIAL MEMORANDUM. Plaintiff United States shall  
20 submit its original **Government's Trial Memorandum** under seal **five (5) calendar**  
21 **days** before trial and shall also provide a copy (marked confidential) to the Courtroom  
22 Administrator. The Government's Trial Memorandum shall be served on counsel for  
23 Defendant on the date trial commences and will be unsealed and filed by the Court at  
24 that time.

25 15. TRIAL SCHEDULE. Trial will generally begin at 9:00 a.m. and end at 4:30  
26 p.m. Tuesday through Friday. However, parties should plan to be available between 8:30  
27 and 9:00 a.m. and after 4:30 p.m. each day of trial to address matters outside the  
28 presence of the jury. This standard trial schedule may be modified for good cause,

1 however requests should be submitted at Calendar Call or before the written trial  
2 schedule is issued to jurors.

3 16. TRIAL JUDGE. Although the cases that are listed on the attached trial  
4 calendar are assigned to Judge Du, the cases may proceed to trial before another  
5 Nevada district judge or a visiting district judge.

6 17. SANCTIONS. As provided for under the Local Rules of Practice of this  
7 court, the Court will consider the imposition of sanctions against any attorney who: (1)  
8 fails to timely file trial briefs, suggested voir dire questions and proposed jury instructions  
9 or proposed findings of fact and conclusions of law, whichever is applicable, as  
10 prescribed by the Pretrial Order, Order Regarding Pretrial Procedure, Scheduling Order  
11 or any order extending the time for such filings; (2) fails to comply with the provision of  
12 this order including, but not limited to, the failure to appear for calendar call without first  
13 having been excused by the Court or the Clerk with the permission of the Court; or (3)  
14 fails to timely comply with any other order that schedules deadlines for trial preparation.

15 18. CONTACT PERSON. All questions and information regarding the trial  
16 calendar are to be directed to PEGGIE VANNOZZI, Courtroom Administrator.

17 19. The **date** of the Clerk's File Mark shall constitute the date of this order.

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19 **IT IS SO ORDERED.**

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21 /s/ MIRANDA DU  
22 **UNITED STATES DISTRICT JUDGE**  
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1 Judge Du's August 15, 2017 trial stack

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2 3:16-CR-6-MMD-VPC USA VS. DELMAR HARDY (bond)

3 Jury trial (estimate 2 weeks)

4 James Keller, AUSA  
5 Lee Langston, Trial Attorney  
6 (for Government)

Leah Wigren  
Steven Wilson  
Joseph Low IV  
(for defendant)

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